

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO.: 5:15CR319
)	
Plaintiff,)	JUDGE DONALD C. NUGENT
)	
v.)	
)	
RYAN K. SUMLIN, aka T.J.,)	<u>INFORMATION RE: PRIOR</u>
)	<u>CONVICTION</u>
Defendant.)	

The United States, by and through its counsel, Justin E. Herdman, United States Attorney, and Linda H. Barr and Elliot Morrison, Assistant United States Attorneys, hereby gives notice pursuant to 21 U.S.C. §§ 841(b)(1)(B)-(C) and 851 that if an adjudication of guilt is entered against Defendant in Counts 1, 2, or 3 of the supplemental indictment (R. 73) returned in the above-captioned case, the United States will rely upon Defendant's previous "felony drug offense" conviction to invoke the increased sentencing provisions of 21 U.S.C. § 841(b). The United States alleges that Defendant has been convicted of at least one prior "felony drug offense." The previous "felony drug offense" conviction upon which the United States will rely is the following: Possession of Heroin (F4), in Case Number CR 2014 05 1350 in the Summit County Common Pleas Court, on or about July 10, 2014.

For Count 1, the penalty enhancement provisions of 21 U.S.C. § 841(b)(1)(C) (relating to a detectable amount of heroin or fentanyl, for violations in which the jury finds that “death or serious bodily injury results from the use of” the substance at issue), impose, among other things, a mandatory sentence of Life imprisonment, a maximum fine of \$2,000,000, and a minimum of 6 years of supervised release if the defendant has been convicted of at least one prior “felony drug offense.” Alternatively, for Count 1, the penalty enhancement provisions of 21 U.S.C. § 841(b)(1)(C) (relating to a detectable amount of heroin or fentanyl, for violations in which the jury does *not* find that “death or serious bodily injury results from the use of” the substance at issue) impose, among other things, a maximum of 30 years’ imprisonment, a maximum fine of \$2,000,000, and a minimum of 6 years of supervised release if the defendant has been convicted of at least one prior “felony drug offense.”

For Count 2, the penalty enhancement provisions of 21 U.S.C. § 841(b)(1)(B)(vi) (relating to at least 40 grams, but less than 400 grams of fentanyl) impose, among other things, a mandatory minimum of 10 years’ imprisonment, a maximum of Life imprisonment, a maximum fine of \$8,000,000, and a minimum of 8 years of supervised release if the defendant has been convicted of at least one prior “felony drug offense.”

For Count 3, the penalty enhancement provisions of 21 U.S.C. § 841(b)(1)(C) (relating to a detectable amount of heroin) impose, among other things, a maximum of 30 years' imprisonment, a maximum fine of \$2,000,000, and a minimum of 6 years of supervised release if the defendant has been convicted of at least one prior "felony drug offense."

Respectfully submitted,

JUSTIN E. HERDMAN
United States Attorney

By: /s/ Elliot Morrison

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CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of April 2018 a copy of the foregoing document was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's system.

/s/ Elliot Morrison

Elliot Morrison

Assistant U.S. Attorney